

### **REMARKS**

This is in response to the Official Action of February 25, 2003. The points raised therein are addressed below.

Claims 1-14 stand rejected under the second paragraph of 35 USC 112 as indefinite on pages 13-15 of the Official Action. Reconsideration in light of the amendments herein and the remarks below is respectfully requested.

Claim 1 has been amended to recite that the insect pests are mosquitos, support for which is found in originally presented claim 11. Claims 8 and 9 have been amended to refer to mosquitos. The remaining claims have been canceled to either simplify the issues or, in the case of claims 15-60, in view of the restriction requirement. With respect to the endpoint of the treatment, the claims have been amended to recite that the compounds are administered in an amount and for a time sufficient to reduce the number of the mosquitos, along the lines of the Examiner's draft claim 100 in the previous Official Action. Support for "reduce the number" is found in the specification at, among other locations, page 7, first full paragraph under "Detailed Description of the Preferred Embodiments." The focus on reduction in numbers is utilized because it provides an objective, easily observable, endpoint, is supported by the specification, and does not tie applicant to any particular underlying physiological theory of the invention. In view of these amendments, it is respectfully submitted that this rejection should be withdrawn.

Claims 1-14 stand rejected under the first paragraph of 35 USC 112 as lacking enablement on pages 2-13 of the Official Action. Reconsideration is respectfully requested.

To further narrow the issues, claim 1 has been amended to direct the methods of the instant invention to the control of mosquitos in particular. Mosquito control is a well-established field. No "incredible utility" issues are involved in controlling mosquitos. The level of skill in the field is high, and the ability of compounds claims to kill mosquitos can be easily screened, in the lab or in the field. A review of the factual positions derived from the references cited in the previous official action, as set forth in the previous official action, does not reveal any reason to doubt the objective enablement of controlling insect populations with the compounds set forth in claim 1, as provided by the instant specification, and does not reveal any reason to shift the

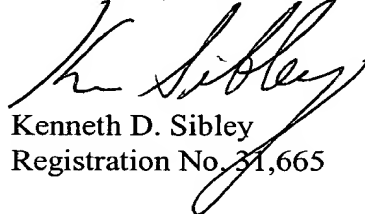
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burden to applicant to come forward with data or other evidence to satisfy the enablement requirement of section 112. *See generally MPEP* 2164.04. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

On page 14 of the Official Action, the Examiner responds to applicants argument that only routine experimentation is involved in the instant case as follows: "If this reflects applicants view on the matter, it is suggested that such routine experimentation be undertaken, and the results presented." However, even routine experiments involve an expense. Applicants respectfully submit that, where claims can be presented that are objectively enabled by the specification as filed, then applicants should not be required to undertake the expense of such experimentation. *See generally In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). Applicants wish to avail themselves of this opportunity here, and have submitted the claims above in a good-faith effort to do so.

It is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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